

REMARKS

Claims 1, 3, 5-11 and 13-22 are pending and at issue in the application with claims 1, 11 and 17 being independent claims. Claims 1, 11, 14 and 17 have been amended. Claims 2, 4 and 12 have been cancelled. As a result, 3 independent claims remain in the application as previously paid for, and 19 total claims remain in the application as previously paid for. This response is being timely filed with a Request for Continued Examination and fee of \$790.00. The applicants believe no additional fee is due. However, the Commissioner is hereby authorized to charge any deficiency in the amount enclosed or any additional fees which may be required under 37 CFR 1.16 or 1.17 to Deposit Account No. 13-2855. Reconsideration and withdrawal of the rejections in view of the remarks below is respectfully requested.

Claims 1, 11, 14 and 17 have been amended to more precisely define the applicants' invention. Further, claims 2, 4 and 12 have been canceled. The cancellation of these claims should in no way be construed as acquiescence to any of the rejections stated. These claims were canceled solely to expedite the prosecution of the present application. Based upon the foregoing amendments to the claims and following comments, Applicant respectfully submit that claims 1, 3, 5-11 and 13-22 are presently under consideration and in condition for allowance.

The applicants respectfully traverse the rejections of claims 1-22 under 35 U.S.C. §102(e) as anticipated by Keyes, IV et al. (U.S. Patent Application Publication No. 2006/0142875).

The applicants submit that the newly amended claims clearly recite elements not described, either expressly or inherently, within the cited prior art. Specifically, newly amended claim 1 recites, in part, a diagnostic system for a field device in a process control apparatus comprising "a memory device operatively connected to the computer and adapted to store sensor data received by the computer at the occurrence of the predetermined process event, *wherein at least one of the computer or the memory device is further adapted to store sensor data collected at times prior to the occurrence of the predetermined process event.*"

It can be appreciated by one of ordinary skill in the art that the diagnostic system creates a record of sensor data related to the process at times *prior to the triggering event*. See FIG. 4; *see also* para. [0029]. That is, the sensor data stored in the applicants' memory device is "backward looking" in time with respect to the triggering event. *Id.* Most importantly, the ability to record process events prior to a triggering or predetermined process

event provides a unique and unconventional record of the process within the field device for diagnostic purposes just before the precise moment in time of the event. *See* para. [0007].

Similarly, the other independent claims 11 and 17 have been amended to also recite, in part, a method of monitoring the performance of a process control system and creating a field device that includes a triggering of storage in the field device that provides a backward looking record of the sensor data to facilitate analysis and diagnostics of the field device and associated system.

To the contrary, Keyes et al. do not teach, suggest, or disclose such features, either expressly or inherently. Rather, Keyes et al. teach an appendable or configurable, acquisition system that performs typical process control features including acquisition and analysis of real-time process data. Specifically, the cited portions of Keyes, IV et al. - claims 1, 11, 17 and 22 and paragraphs 23 and 67- do not disclose or suggest detecting the occurrence of a predetermined process event and storing sensor data at a time that corresponds to events prior to the occurrence of the predetermined process event. In particular, while Keyes, IV et al. discloses a device 10 that includes a processor 16, a memory 18 and sensors 26, 28, and which may be appended to process control equipment for data acquisition activities (see paragraphs [0012]-[0015] and [0023]; Fig. 1), the device 10 does not detect an occurrence of a predetermined process event and log or record the data with any time specific information as claimed by the applicants.

Instead, the processor 16 of the device 10 executes a routine 44 to perform data acquisition or monitoring activities, in which sensors convey information to the processor 16. See paragraph [0024], [0038] and [0039]. However, Keyes, IV et al. does not otherwise disclose the details about the data acquisition or monitoring activities, much less that the data acquisition or monitoring activities include detecting and storage of an occurrence of a predetermined process event looking backward in time with respect to the triggering event.

Under Section 2131, the MPEP states: "A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *See Verdegaa Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631 (Fed. Cir. 1987). Clearly, the Keyes et al. reference does not meet this standard. As such, the applicants respectfully submit that the rejections under §102(e) should be withdrawn and claims 1, 3, 5-11 and 13-22 are in condition for allowance.

For the foregoing reasons, the applicants submit that the claims are in proper form and clearly define patentability over the prior art. Reconsideration and withdrawal of the

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rejections of the claims and allowance thereof are respectfully requested. Should the examiner wish to discuss the foregoing, or any matter of form, in an effort to advance this application towards allowance, the examiner is urged to telephone the undersigned at the indicated number.

Respectfully submitted,

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